FILED

FEB 21 2013 KAMALA D. HARRIS Attorney General of California Board of Vocational Nursing 2 MARC D. GREENBAUM and Psychiatric Technicians Supervising Deputy Attorney General 3 ANTONIO LOPEZ, JR. Deputy Attorney General 4 State Bar No. 206387 300 So. Spring Street, Suite 1702 5 Los Angeles, CA 90013 Telephone: (213) 897-2536 6 Facsimile: (213) 897-2804 7 Attorneys for Complainant 8 BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 11 In the Matter of the Accusation Against: Case No. VN-2010-2465 12 RACHEL LEIGH HAGGIN ACCUSATION a.k.a., RACHEL LEIGH BEITZEL 13 1049 Dracena Court Redlands, CA 92374 14 Vocational Nurse License No. VN 243017 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in 20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric 21 Technicians, Department of Consumer Affairs. 22 2. On or about June 26, 2009, the Board of Vocational Nursing and Psychiatric 23 Technicians (Board) issued Vocational Nurse License No. VN 243017 to Rachel Leigh Haggin, 24 also known as Rachel Leigh Beitzel (Respondent). The Vocational Nurse License was in full 25 force and effect at all times relevant to the charges brought herein, expired on May 31, 2011, and 26 is delinquent status. 27 /// 28 ///

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.
 - 5. Section 492 states:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest."

- 6. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.
 - 7. Section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct...."

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vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCE

12. "Methamphetamine," is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

13. Respondent is subject to disciplinary action under section 2878, subdivision (a), as defined in section 2878.5, subdivision (a), in that Respondent was found to be in possession of a controlled substance, in violation of Health and Safety Code section 11377, subdivision (a). On or about November 7, 2010, during a probation stop by San Bernardino County Sheriff's Department, Respondent was contacted. During a search of Respondent's vehicle, the officer found a plastic baggie containing a white crystalline substance in Respondent's wallet that tested positive for Methamphetamine. Respondent was subsequently arrested for violating Health and Safety Code section 11377, subdivision (a) [possession of a controlled substance]. When asked if it belonged to her Respondent stated, "no." The officer then asked if there was any Methamphetamine in her system, Respondent stated, "I would probably test positive for meth because I have been around it a lot." She also added, "I've been using methamphetamine off and on for two years."

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SECOND CAUSE FOR DISCIPLINE

(Use of a Controlled Substance)

14. Respondent is subject to disciplinary action under section 2878, subdivision (a), as defined in section 2878.5, subdivision (b), in that on or about November 7, 2010, Respondent, by her own admission, admitted that she used a controlled substance. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 13, as though set forth fully.

DISCIPLINARY CONSIDERATION

- 15. In order to determine the degree of discipline, if any to be imposed on Respondent, Complainant alleges that on or about July 22, 2010, the Board issued Citation and Fine No. 10-0121-L to Respondent for violating section 2878, subdivisions (a), (f), (j), and California Code of Regulations, title 16, section 2504.1, resulting in the issuance of a \$1,251.00 fine. Respondent has failed to comply with the Citation, as set forth below:
- (a) On or about June 15, 2009, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Penal Code section 368, subdivision (e) [theft of elder by caretaker] and one count of Penal Code section 484G, subdivision (b) [unauthorized use of access card] in the criminal proceeding entitled *The People of the State of California v. Rachel Leigh Haggin* (Super. Ct. Riverside County, 2009, No. BAM038496). The Court sentence Respondent to 15 days in Riverside County Jail and placed her on 36 months probation, with terms and conditions. The circumstances surrounding the conviction are that on or about July 15, 2008 and through July 22, 2008, Respondent while working as an in-home caregiver used the credit card of E.T., the elder or dependant adult under her care, to make several unauthorized purchases.
- b. On or about June 25, 2006, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 4601.1, subdivision (a) [driving while driver's license is suspended or revoked] and one misdemeanor count of Vehicle Code section 40508, subdivision (a) [fail to appear] in the criminal proceeding entitled *The People of the State of California v. Rachel Leigh Beitzel* (Super. Ct. San Bernardino County, 2006, No. 1818134RB). The Court ordered pronouncement of judgment withheld and conditional and revocable release

1	granted for a period of 36 months, with terms and conditions. The circumstances surrounding the
2.	conviction are that on or about January 2, 2001, Respondent drove a vehicle while her driving
3	privilege was suspended or revoked.
4	<u>PRAYER</u>
5	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6	and that following the hearing, the Board issue a decision:
7	1. Revoking or suspending Vocational Nurse License No. VN 243017, issued to
8	Respondent;
9	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
10	enforcement of this case, pursuant to section 125.3; and
11	3. Taking such other and further action as deemed necessary and proper.
12	DATED: FEB 2 1 2019 Many July July
13	TERESA BELLO-JONES, J.D., M.S.N., R.N. Executive Officer
14	Board of Vocational Nursing and Psychiatric Technicians Department of Consumer Affairs
15	State of California Complainant
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